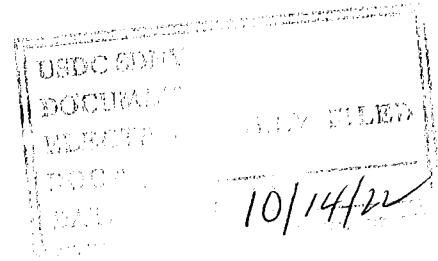


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
GLENN WHITE,

Plaintiff,

v.

 JASON JENNINGS, FREDRIC SLANOVEC,
 AHMED ARTOLA, ROBERT MCCANN,
 NATHANIEL DEYOUNG, CHARLES
 NYLAND, MICHAEL RIBEIRO, KYLE
 REED, STATE POLICE INVESTIGATOR
 JESSE FLANAGAN, STATE POLICE
 INVESTIGATOR JOSEPH M. LOFRESE,
 Defendants.
 -----X
ORDER

22 CV 5922 (VB)

On October 14, 2022, the parties submitted a proposed Civil Case Discovery Plan and Scheduling Order, which is blank except for the caption and an indication that "all parties" consent to conducting all further proceedings before the assigned magistrate judge. (Doc. #12).

However, two defendants, State Police Investigator Jesse Flanagan and State Police Investigator Joseph M. Lofrese (the "State Defendants"), have not appeared in the case, and the docket does not reflect that these defendants were served.

Because a magistrate judge may exercise authority over all proceedings in this action only if all parties voluntarily consent, 28 U.S.C. § 636(c)(1), plaintiff and the defendants who have answered cannot consent to proceed before the magistrate judge without the consent of the State Defendants.

Therefore, the parties' request to proceed before the assigned magistrate judge for all purposes is DENIED WITHOUT PREJUDICE¹ to refile¹ with the consent the State Defendants (unless the State Defendants are dismissed from the case or are otherwise no longer parties).

Dated: October 14, 2022
 White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
 United States District Judge

¹ Should the parties only intend to consent to the magistrate judge's jurisdiction, and not to propose a discovery schedule, they should instead file a proposed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge Form. See <https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge>.